UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1435
22 September 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1435th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 24 August 2000, at 10 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ (Vice-Chairman)

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The meeting was called to order at 10.15 a.m.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FIFTY-FIFTH SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (agenda item 10) CERD/C/57/CRP.1; CERD/C/57/CRP.2; CERD/C/57/CRP.3 and Add.1, 2 and 4; CERD/C/57/CRP.4; CERD/C/57/CRP.5; CERD/C/57/CRP.6; CERD/C/57/CRP.7; CERD/C/57/CRP.8; CERD/C/57/CRP.9; CERD/C/57/CRP.10 and Adds. 3-5; CERD/C/57/Misc.45/Rev.1)

Document CERD/C/57/CRP.1 - Chapter I: Organizational and related matters

1. Mr. BANTON (Rapporteur) drew attention to paragraph 13 of the document, which referred, inter alia, to the inclusion of decisions of particular interest in the compilation of its general recommendations, a concern raised by Mr. Bossuyt at the previous meeting. Section F, Other matters, might have to be expanded.

2. Mr. ABOUL-NASR referring to decision 1 (56), the text of which was included in paragraph 12 of the document, asked whether a specific reference to article 10, paragraph 4, of the Convention could not be included in operative paragraph 1 as well as in the first preambular paragraph.

3. Mr. BANTON (Rapporteur) said that, the decision having been adopted, he would prefer to highlight article 10, paragraph 4, on the basis of which the decision had been adopted, in the chapeau of paragraph 12 of the document.

4. Document CERD/C/57/CRP.1 was provisionally adopted, as mended and with minor typographical corrections.

Document CERD/C/57/Misc.45/Rev.1 - extended sessions (insert to CERD/C/57/CRP.1)

5. Mr. BANTON (Rapporteur) noted that the document contained two paragraphs relating to extended sessions, and proposed that they should be inserted into section F of chapter I (CERD/C/57/CRP.1). He drew attention to the fact that paragraph 1 referred to the thematic discussion on Roma and that paragraph 2 alluded to the possibility of other such thematic discussions in the future.

6. Mr. PILLAI proposed replacing the phrase "and thereby to prevent any" before the word "accumulation" in the first sentence of paragraph 1 by the phrase "and thereby to reduce", because some unconsidered reports had indeed accumulated.

7. Mr. BOSSUYT proposed instead "and thereby preventing". Also, in the third sentence of paragraph 1, he proposed deleting the words "the preparations for" before the reference to the World Conference against Racism and adding instead at the end of the sentence ", which will take place immediately after that session".

8. Mr. RECHETOV expressed approval of paragraph 2 incorporating comments made by members at the previous meeting.

9. Mr. BANTON (Rapporteur) said that he accepted Mr. Bossuyt's proposals. It was important to remember that, even though the Committee had a shorter reporting cycle and received many more reports than other treaty bodies, it had virtually no backlog, whereas the others had a very considerable backlog. The Committee should take pride in having mastered that difficulty, and should take issue with general statements attributing the problem to all treaty bodies indiscriminately.

10. Document CERD/C/57/Misc.45/Rev.1, as amended, was adopted for inclusion in section F of chapter I of the report.

11. Document CERD/C/57/CRP.1, as thus amended, was adopted.

Document CERD/C/57/CRP.2 - Chapter II: Prevention of racial discrimination, including early warning and urgent procedures.

12. Document CERD/C/57/CRP.2 was adopted.

Document CERD/C/57/CRP.3 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Australia; Bahrain; Denmark; Estonia; France; Lesotho; Malta; Rwanda; Spain; Tonga; Zimbabwe)

13. Document CERD/C/57/CRP.3 was adopted.

Documents CERD/C/57/CRP.3/Add.1 and 2 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Finland; Mauritius; Slovenia; Slovakia; Czech Republic; Nepal; Netherlands; Sweden; United Kingdom of Great Britain and Northern Ireland)

14. Documents CERD/C/57/CRP.3/Add.1 and 2 were adopted.

Document CERD/C/57/CRP.3/Add.4 - Chapter III: Consideration of reports comments and information submitted by States parties under article 9 of the Convention (Thematic discussion on the question of discrimination against Roma)

15. Mr. BANTON (Rapporteur) suggested that Chapter III should be divided into two sections, III A containing the concluding observations of the Committee and III B on the thematic discussion on the question of discrimination against Roma. He recalled that some States had questioned the legal basis for the Committee's decision to hold the thematic discussion and felt that it was important that the discussion should be given its own section under Chapter III to underline the Committee's authority to organize such discussions pursuant to article 9.

16. Mr. ABOUL-NASR asked whether it might be possible to link the last sentence of paragraph 3 and the last sentence of paragraph 5 in order to make it clear that the non-governmental organizations (NGOs) had made their submissions during the informal meeting.

17. Mr. DIACONU said he felt there should be some mention of the Committee's decision to request verbatim reporting of the thematic discussion.

18. Mr. BOSSUYT said that the text of paragraphs 6 and 7 should make it very clear that the former referred to the informal meeting and the latter to the formal meeting. The words "During the informal meeting" should be inserted at the beginning of paragraph 6 and, in the third sentence, the word "informal" should be inserted between "this" and "meeting".

19. Mr. BANTON (Rapporteur), in response to Mr. Aboul-Nasr, said that he believed the text was correctly structured as it stood; paragraphs 4 to 6 explained in a logical manner the information which the Committee had had at its disposal relating to the thematic discussion.

20. Document CERD/C/57/CRP.3/Add.4, as amended, was adopted.

Document CERD/C/57/CRP.4 - Chapter IV: Consideration of communications under article 14 of the Convention

21. Mr. BOSSUYT, recalling that the Secretariat had prepared a document (CERD/C/390) containing a compilation of opinions and decisions adopted by the Committee under article 14, said that that document should be mentioned in chapter IV.

22. The CHAIRMAN said he took it that the Committee wished to adopt CERD/C/57/CRP.4 subject to the inclusion of the addition suggested by Mr. Bossuyt.

23. Document CERD/C/57/CRP.4 was adopted on that understanding.

Document CERD/C/57/CRP.5 - Chapter V: Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self Governing Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

24. Document CERD/C/57/CRP.5 was adopted.

Document CERD/C/57/CRP.6 - Chapter VI: Action taken by the General Assembly at its fifty-fifth session

25. Document CERD/C/57/CRP.6 was adopted.

Document CERD/C/57/CRP.7 - Chapter VII: Submission of reports by States parties under article 9 of the Convention

26. Mr. BANTON (Rapporteur) pointed out that paragraph 1 contained an explanation of the distinction between comprehensive and updating reports, about which some members had raised questions.

27. Mr. BOSSUYT asked why there were such large differences in the number of reminders sent to the various States parties.

28. Ms. ZOU Deci, referring to table 1 (paragraph 1), asked why the Czech Republic, Slovenia and Uzbekistan were included in that list, when their reports had been examined at the current session.

29. Mr. BANTON (Rapporteur) said in response to Ms. Zou Deci that he would look into the matter and, in response to Mr. Bossuyt, that when several reports were overdue reminders continued to be sent and were counted cumulatively, so the reason for the variation might be an administrative one.

30. Document CERD/C/57/CRP.7 was adopted.

Document CERD/C/57/CRP.8 - Chapter VIII: Third Decade to Combat Racism and Racial Discrimintation

31. Mr. BANTON (Rapporteur) explained that the document reflected the status of the Committee's discussions on the World Conference at the time of drafting; it should be understood that there would probably be an addition thereto describing any further discussions on that topic.

32. Mr. ABOUL-NASR asked what information needed to be added to the last sentence, where there were two blanks.

33. Mr. BANTON (Rapporteur) said that the missing name was that of Mr. Yutzis, who had reported to the Committee.

34. Mr. McDOUGALL agreed, recalling that Mr. Yutzis had made an oral report to the Committee and submitted two documents produced by the Contact Group, one reporting on the meeting of the Preparatory Committee and another on the Committee's role in the World Conference.

35. Mr. RECHETOV stressed the importance of referring to or even attaching those two documents, which had been the starting point for much of the Committee's work on the item during the session. The oral presentation made by Mr. Yutzis had been somewhat brief.

36. Ms. JANUARY-BARDILL suggested that some reference to the two documents which Mr. Yutzis had submitted on behalf of the Contact Group should be added to the last sentence.

37. The CHAIRMAN said he took it that that suggestion was acceptable.

38. Document CERD/C/57/CRP.8 was adopted on that understanding.

Document CERD/C/57/CRP.9 - Chapter IX: Overview of the methods of work of the Committee

39. Ms. McDOUGALL asked whether the decision to hold thematic discussions could not be considered a change in the methods of work of the Committee which would require the Committee to redraft the overview of its methods of work, drawing attention to that change.

40. Mr. DIACONU pointed out that the holding of a thematic discussion would not be a permanent feature at every session and was not therefore a change in the Committee's methods of work. He did, however, believe that the Committee's review of its general recommendations with a view to removing any obsolete recommendations, as well as its decision in that regard, should be reflected in the annual report.

41. Mr. RECHETOV agreed with Ms. McDougall and said that the holding of the thematic discussion had been a significant change to the Committee's methods of work and should be noted in the report, as should the legal basis for holding the discussion, especially since some States parties had questioned the legal grounds for organizing such a discussion.

42. Mr. ABOUL-NASR disagreed that the thematic discussion had been a change in the Committee's methods of work; it had simply been a very positive addition. There was no need for the Committee to feel obliged to justify all its actions and in any case it often dealt with matters which arguably did not have a direct link to the articles of the Convention. If some States parties wished to challenge the Committee, they could do so and the Committee would respond.

43. Ms. JANUARY-BARDILL, agreeing with Mr. Aboul-Nasr, said that, since the Committee intended to hold further thematic discussions in the future which, like the discussion on the Roma, would require a great deal of work on the part of Committee members, the Committee should be consistent in the way it presented itself.

44. Mr. RECHETOV reiterated the need for a reference to the thematic discussion and its legal basis in the report - if not in chapter IX, then elsewhere. He also asked the Secretariat to specify whether it was correct that at least one State party had made an official inquiry concerning the legal basis for the holding of a thematic discussion.

45. Mrs. RUEDA-CASTAÑON (Secretary of the Committee) said that, after the thematic discussion had been announced, an oral request had been received from the Permanent Mission of Germany asking for an explanation of the legal basis for the holding of that thematic discussion.

46. Mr. BRYDE agreed that the thematic discussion should be addressed in the Committee's overview of its work, but suggested that it could be done simply by adding a cross-reference to chapter 3, section B (CERD/C/57/CRP.3/Add.4), which dealt with the subject.

47. Mr. BANTON (Rapporteur) recalled that both paragraphs of document CERD/C/57/Misc.45/Rev.1, just adopted for inclusion in chapter I.F, had referred specifically to the thematic discussion on Roma and the idea of holding thematic discussions. It might, of course, be appropriate also to refer to the subject under methods of work in chapter IX.

48. Mr. ABOUL-NASR said that the praiseworthy initiative of holding what was perhaps the first of several thematic discussions should simply be included in some appropriate section of the report. The fact that it was not specifically authorized in the Convention - any more than the urgent procedures had been - did not make it less valuable.

49. Document CERD/C/57/CRP.9 was adopted, subject to possible further drafting.

Document CERD/C/57/CRP.10 - Annex I: Status of the Convention; Annex II: Agendas of the fifty-sixth and fifty-seventh sessions

50. Mr. BANTON (Rapporteur) explained that the thematic discussion had not been listed as such in the agenda of the fifty-seventh session because by decision of the Committee it had been considered under agenda item 2, Organizational and other matters.

51. Document CERD/C/57/CRP.10 was adopted.

Document CERD/C/57/CRP.10/Add.3 - Annex IV: Documents received by the Committee at its fifty-sixth and fifty-seventh sessions in conformity with article 15 of the Convention

52. Mr. ABOUL-NASR observed that a number of documents from Non-Self-Governing Territories providing information on racial discrimination under article 15, such as petitions, had not been listed.

53. Mr. BANTON (Rapporteur) recalled that the petitions were featured in document CERD/C/57/CRP.5, which had already been adopted. The two parts of the report could be linked by including in chapter V a cross-reference to annex IV and vice versa.

54. Document CERD/C/57/CRP.10/Add.3 was adopted, subject to that addition.

Document CERD/C/57/CRP.10/Add.4 - Annex V: General recommendations

55. Mr. BANTON (Rapporteur) said that the document gave the text of General Recommendations XXVI, XXV and XXVII in the order in which they had been adopted. He proposed rearranging the text of the three general recommendations in numerical order.

56. Document CERD/C/57/CRP.10/Add.4, as amended, was adopted.

Document CERD/C/57/CRP.10/Add.5 - Annex VI: Country Rapporteurs for reports of States parties considered by the Committee at its fifty-sixth and fifty-seventh sessions; Annex VII: List of documents issued for the fifty-sixth and fifty-seventh sessions of the Committee

57. Mr. BANTON (Rapporteur) said that the reference to the fifteenth periodic report of Iceland, the consideration of which had been deferred, should be deleted from both annexes.

58. Document CERD/C/57/CRP.10/Add.5, as amended, was adopted.

The meeting rose at 11.40 a.m.